

Capitola City Council

Agenda Report



Meeting: November 10, 2022

From: City Manager Department

Subject: Consider Request to Fly the “Christian Flag” during the month of December, the month of Easter, and on May 1st, the National Day of Prayer, in Accordance with Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property

Recommended Action: Deny request.

Background: On May 27, 2021, City Council adopted Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property.

Section IV: Non-Governmental Flag Procedure states that: “Any person wishing for the City to display a Non-Governmental flag that is not on the “Approved Non-Governmental Flags List” ... must submit a request to the City Manager’s office. Requests should be submitted at least 60 days in advance of the first date on which the flag is requested to be flown. The request must include a photograph and dimensions of the flag, and the dates on which the flag is requested to be flown. The City Council shall determine whether the request will be granted, denied, or granted in part.”

The full Flag Policy is included as Attachment 1.

Discussion: On September 30, 2022, a member of the public submitted a flag request to the City of Capitola, included as Attachment 2. The request is: 1) to “[add] the Christian flag to the approved list of Non-Governmental Flags per the City Flag Policy Number: V-18”; and 2) to fly the flag at the following times:

- “Christmas - December 1-31 each year as Christians observe the birth of Jesus Christ,
- Easter - Where it falls on the calendar each year respectively as Christians observe the resurrection of Jesus Christ, (e.g. 2023: Easter Sunday is April 9th, Holy Week: April 2-9) and;
- The National Day of Prayer - Thursday of May each year.”

The City’s Flag Policy states that City flagpoles are a forum for expression by the City, not the public. The Policy declares that the flying of flags other than the United States and California flag is “an expression of the City’s official sentiments.” The City is a local government.

The Establishment Clause prohibits governments from communicating religious messages that might signal favoritism of one religion over another, or favoritism of religion versus not holding religious beliefs. Accordingly, staff recommends the City deny this request.

Fiscal Impact: None.

Attachments:

1. Flag policy
2. Christian Flag request

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